

May 2020

## A Law for the Environment: Essays in Honour of Wolfgang E. Burhenne

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### Recommended Citation

Michael Roch, Book Note, 23 Denv. J. Int'l L. & Pol'y 486 (1995).

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*Societies*, McGee extolls the virtues of free trade and, to his credit, contextualizes his arguments in the developed world.

*Isabel Posso*

**A LAW FOR THE ENVIRONMENT: ESSAYS IN HONOUR OF WOLFGANG E. BURHENNE**; Edited by Alexandre Kiss and Françoise Burhenne-Guilmin; EPLP Special Issue, IUCN; Gland, Switzerland (1994); ISBN 2-8317-0203-8; 275pp. (pbk).

The editors of *A Law for the Environment* compiled this collection in appreciation of the work of Dr. Wolfgang E. Burhenne, 1991 recipient of the United Nations International Environmental Prize and lifelong scholar of environmental Law. Through an assortment of essays written by some of today's foremost legal scholars, this book shows multi-national perspectives on current environmental legal issues. The global character of the book is demonstrated alone by the fact that of the thirty-one essays, seven are written in French and five are written in German; unfortunately, no supplemental synopses in the secondary languages are provided. All essays are brief and well-written; some take a very narrow focus on specific legal issues, and some include broad policy and sociological perspectives.

*A Law for the Environment* is divided into four principal parts. The first essays describe the historic origins of environmental law, followed by a section on the foundations and principles of environmental law. Several compositions analyze specific problems in the current application of those principles; descriptions of various national approaches to environmental regulation conclude this collection of essays.

The lead article in the first, historical, section is a fictional account written in the middle ages which describes the prosecution of mankind, by Jupiter and Mercury, for destroying the earth by over-mining. The article effectively relates this mythology to the difficulty of effecting social responsibility for the environment under national and international legal structures based on democratic ideals. This essay forms the philosophical basis for the historical discussions that follow, including a summary of treaties and instruments concerning international environmental law from 1972 forward as well as analyses of the 1992 United Nations Conference on Environment and Development in Rio de Janeiro and its Agenda 21. The final article in this section provides the history and desired accomplishments of the IUCN draft International Covenant on Environment and Development.

Four essays on regulations and judicial decision-making as related to environmental issues under the regional basic laws of Germany and Switzerland and under the constitutions of French and Djibouti law provide the center stone of the second part of the book. These essays show several examples of centralized and decentralized environmental

regulation and collectively point out success and failure of the different approaches to environmental law and policy making. An essay contrasting the policies of precaution and sustainability on an abstract level and a manuscript advocating cooperation between business and lawmakers instead of punishment of the former conclude this portion of *A Law for the Environment*.

Current problems in international environmental law are addressed by at least ten articles. The topics range from the pollution of waterways and wetlands' protection to renewable energy resources, polar environmental conservation, and biological diversity. One article provides an excellent economic analysis of accidental polluting discharges. A description of the objectives and limitations of the voluntary ecological audits prescribed by the European Commission provides the conclusion to section three.

The book concludes with a final section consisting of eight essays on the national approaches to environmental regulation of Argentina, the Czech Republic, Denmark, Germany, Italy, New Zealand, and the United States. Some of the essays represent a reiteration of national law, while some address methodology.

The organization of *A Law for the Environment* into four sections appears somewhat arbitrary as issues often overlap in chronology and content. Especially puzzling is the mode of separation of the last three sections; the editors would have done better with a regional segregation of the issues. With this limitation in mind, the book's historical introduction is meant for the initiated reader, and it provides an excellent insight in the strides taken since the beginnings of international environmental law. The essays on national attempts to deal with specific environmental issues provide a wonderful introduction of various regulatory and policy approaches taken by civil law countries.

While it appears that the editors have taken great care to represent a wide variety of geographical areas, they have, unfortunately, overlooked the efforts made by Asian nations towards environmental law reform. One essay constitutes mere *Lobgesang* for Dr. Burhenne without providing the reader with much substance.

Overall, all essays in this collection provide a superb analysis of current issues of environmental law which more than compensates for the book's organizational inadequacies. This collection provides excellent synopses of national policy and legal approaches to very complex and up-to-date issues. The essays are succinct and well-written and all provide an excellent basis for research in the national environmental law topics they address.

*Michael Roch*

